

BDCP RDEIR/SDEIS Review Document Comment Form

Document: Administrative Draft—Section 1- Introduction

Comment Source: EPA Cooperating Agency

Submittal Date: April 22, 2015

No.	Page	Line #	Comment	ICF Response
1	1-1	2	Repeated comment: A reader would need to have a complete understanding of the BDCP, ESA and NEPA law, and the previously released documents to fully understand Section 1, as it is currently drafted. If Section 1 is intended to be the first thing a reader will see when opening up the Supplemental DEIS, we recommend that additional background information be included in this Introduction. Much of the information that would be useful is available in the Introduction to the original DEIS and could be easily brought forward.	
2	1-1	NA	The goal of coordinating CEQA/NEPA and Sec. 7 should be stated plainly in Section 01. The text, as written, is confusing regarding what has been decided, what is being evaluated under NEPA, and what decisions are pending.	
3	1-2	18	The Corps may or may not be able to use portions of this EIS for their permits. This sentence would be more accurate if it said "intended to cover" rather than "would cover."	
4	1-6	14	We strongly encourage a re-write of the purpose and need that will clearly describe the purpose and need of the new project to the public, and supports a reasonable range of alternatives of a new tunnel-only project.	
5	1-1	NA	Missing: Larger context about CA Water Action Plan, Sec 7 process, SWRCB WQCP, Prop 1, and how this BDCP project complements an overall state solution for climate change mitigation and adaptation, and a declining estuary.	

Document: Administrative Draft—Section 2 Substantive EIS Revisions

Comment Source: EPA

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No.	Page	Line #	Comment	ICF Response
1	2-7	28-29	This sentence refers to revised bromide mitigation measure which is not found in the text. PH-2 may refer to it although it is short and incomplete, but Mitigation Measure WQ-5 is not included under Impact WQ-5 for Alt 4A.	
2	2-19	NA	Section "Role of the Bureau" was removed. It is important to explain their role as the lead agency.	

Document: Administrative Draft—Section 4 Alternative 4A

Comment Source: EPA

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No.	Page	Line #	Comment	ICF Response
1	4-154; 4-156	19	Text indicated no changes for Alt 4A. We understood that updated analysis of residence times for selenium in the southern delta would be added to the analysis. Was it just updated with no change in impacts, or no change in analysis? This sentence is confusing. This is important for exposure time for sturgeon and splittail.	
2	4-542	29	We need more time to review downstream analysis. It seems like the focus of the analysis was impacts of sediment and not changes to fishes based on the salinity gradient.	
3	4-542	9-10	No number given here	
4	4-12, 4-13	39- 41, 1- 5	This section should be expanded. It was one of our comments previously that this project be put into the larger context of the previous Biological Opinion actions and the CA Water Action Plan. This should be moved forward to the introduction as well as expanded here.	
5	4-540	4+	Why is this section here? It mirrors some parts of the expanded discussion included in App. A Ch 11 but not all of it, so it was confusing in its	

			incompleteness in this location.	
6	4-124; 4-126; 4-121	29-31; 1-3; 37-42	<p>Long-term average water quality degradation will have adverse effects on M&I users relative to chloride and bromide in the Delta.</p> <p>Modeling for the Preferred Alternative shows that the western Delta is becoming saltier relative to the NEPA baseline as a result of the operations in the Preferred Alternative.</p> <p>Increasing salinity will cause adverse effects on M&I beneficial uses through reduced opportunity for diversion of water with acceptable chloride levels. Long-term water quality degradation through salinity intrusion and the potential to cause or contribute to violations of state water quality standards are project impacts that present substantial challenges for compliance with Clean Water Act Section 404 regulations (40 CFR 230.10(b) and (c)). Committing to providing more freshwater flow (Appendix A, p. 8-26) for addressing the loss in freshwater supply to western Delta communities is an important step in addressing this issue.</p>	
7	4-131	19-23	Thank you for discussing the CALSIM modeling limits and referencing Ch. 5 here, it is well said.	
8	4-132; 4-134	5-6; 12-14	Operations under Alternative 4A are estimated to cause an increase in the number of days the Prisoners Point salinity objective will be violated relative to the No Action Alternative (17-20% increase in violation days, Table EC-1, & supplemental modeling for Alt 4A, p. B-42). The EC objective was established to optimize protection for striped bass spawning, however it also provides protection for other forms of aquatic life and agriculture and municipal beneficial uses. These ancillary benefits should be recognized in any discussion about beneficial use protection provided at this compliance point.	
9	4-134	NA	Sensitivity analyses (Appendix 8H, Attachments 1 and 2) show that the predicted increases in violation days are attributable to Alternative 4A operations and they not the result of model artifact or tidal marsh	

			restoration. Sensitivity analyses also show that magnitude of exceedance at Prisoners Point is relatively conservative, approximately 1.5 times the standard, indicating that mitigation options are available to meet the objective. In addition, DWR and Reclamation have not exceeded the Prisoners Point standard in the last twenty years (Table ##. Summary of Compliance with Delta 1 EC Objectives (1995-2014), Appendix A, Chapter 8, page 8-16).	
10	4-191	28-31	Overall comment: EPA recommends an expanded discussion of how modeling rules and assumptions do not match the narrative description of the proposed project but instead establish high and low boundaries around the project description. This is relevant for four large discrepancies in the modeling that are different in the proposed project including ELT vs LLT in the sensitivity analyses, 25,000 acres vs 8,000 of tidal habitat restoration, Yolo Bypass floodplain restoration, and moving the salinity compliance point from Emmaton to Three Mile Slough.	
11	4-214; 4-226; 4-134	16-17; 19-25	EPA recommends expanding the declining baseline discussion relative to our DEIS comments and Technical Meeting #1. Longfin smelt abundance continues to decline relative to the EC baseline. The writing here is more straightforward than it used to be, but "improvements" in estimated LFS abundance relative to the NEPA baseline are smaller losses in abundance relative to the existing conditions baseline which represents current conditions. The concept that LFS abundance will decrease relative to current LFS abundance under needs to be clarified in the document.	
12	4-229	41-44	Mitigation 22d is undefined and defers mitigation decisions to the Biological Opinion. It could be expanded with particular checkpoints when USFWS is ready.	
13	NA	NA	Impacts to year-round X2 salinity standard still not evaluated.	
14	NA	NA	The SDEIS should explain the criteria and specific reasons for changing aquatic life impacts that were "not determined" in the DEIS to "not adverse" in the SDEIS material for	

			4A and other non-HCP alternatives.	
15	4-255	3-6	EPA may have more comments on NEPA effects determinations for impacts of 4A on aquatic life after we have an opportunity to discuss this with NMFS and FWS.	
16	NA	NA	We observe that Alt 4A does not propose more Delta outflow than is representative of the system today in current conditions. Proposing Delta outflow conditions that are maintaining current conditions is inconsistent with broad scientific agreement, reflected in EPA's Delta Action Plan, that existing freshwater flow conditions in the San Francisco Estuary are insufficient to protect the aquatic ecosystem and multiple fish species, and that <i>both increased freshwater flows and aquatic habitat restoration</i> are needed to restore ecosystem processes in the Bay Delta and protect native and migratory fish populations. However, Alternative 4A does not propose project operations that result in significantly more freshwater outflow through the Delta. We understand that the Preferred Alternative does propose additional spring outflow, however, this small increase is not largely different than current outflow management in the estuary.	
17	4-5	NA	This list does not include SJR inflow/export ratio replaced by SJR inflow relationship to OMR criteria. This is included in the 4H operational scenario but not in the list describing 4A.	
18	4-131	11-12	EPA requests an expanded discussion to support the statement here that Early Long Term is equal to Late Long Term.	
19	4-216; 4-218	27-28; 18-21	Conclusion changes from Draft from "not determined" to no effect here. EPA would like to understand the reason for this change.	
20	4-249	NA	Is there a NEPA Effects determination for winter run migration? It isn't stated.	
21	4-131	NA	Important improvements were made to the Preferred Alternative that reduce impacts disclosed in the DEIS. Predicted increases in violations of water quality standards at the Emmaton compliance point appear to be successfully addressed by defining the	

			Preferred Alternative to include compliance at Emmaton instead of at Threemile Slough where it was previously defined. Sensitivity modeling supports this conclusion by showing that the Preferred Alternative does not contribute to violations of the EC objective at Emmaton relative to the NEPA baseline (Appendix 8H, Attachment 1).	
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Document: Administrative Draft—Appendix A- Chapter 3

Comment Source: EPA

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No.	Page	Line #	Comment	ICF Response
1	NA	NA	We have not been provided with an analysis of two non-HCP alternatives, Alternative 2D (5 intakes) and Alternative 5A (1 intake). Consistent with our DEIS comments, the operations for these alternatives should be optimized in the same way they were for Alternative 4. We have also been told that additional information is being prepared related to Alternative 8 per the State Board's recommendation. We think new information related to this alternative should be incorporated in the Supplemental DEIS since it is likely that the State Board will be using this EIS for the Change in Point of Diversion application.	

Document: Administrative Draft—Appendix A- Chapter 8

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No.	Page	Line #	Comment	ICF Response
1			Thank you for including the history of compliance with WQS.	

Document: Administrative Draft—Appendix A- Chapter 11

Comment Source: EPA

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1	11-95	25+	Flow loss of 15% is considered not adverse. Is there further information about this effect?	
2	NA	NA	Were NEPA effects determinations made for each Alternative? We were not provided a summary table of NEPA effects.	
3	11-97	41	New text: What does "biological model weighting" mean?	

Document: Administrative Draft—Appendix 8H

Comment Source: EPA

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1	2	15-16	Why was the commitment that appeared only in the DEIS Appendix 8H that "DWR and USBR have every intention of meeting D-1641 standards" removed? We continue to recommend this be brought forward to Section 4 and applied to all water quality objectives in D-1641.	